

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICOUNITED STATES DISTRICT COURT
for theUnited States of America
v.
Lonnie DEAN

Case No. AMENDED

MATTHEW J. DYKMAN

11-MS-1403

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 26, 2011 in the county of Valencia in the
Judicial _____ District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*21 U.S.C. 841
(a) (1), (b) (1) (C),
and

18 U.S.C. 111 (a) and (b)

Possession with intent to distribute less than 50
grams of a mixture or substance containing a
detectable amount of methamphetamine or less than 5
grams of actual methamphetamine and violation of
Title 18 U.S.C. 111(a) and (b), Assaulting,
Resisting or Impeding a Federal Officer.

This criminal complaint is based on these facts:

See Attached Affidavit

Approved by AUSA Reeve Swainston

☒ Continued on the attached sheet.

Complainant's signature

Special Agent David Smith

Printed name and title

Sworn to before me and signed in my presence.

Date: 6-3-11City and state: Albuquerque, New Mexico

Judge's signature

U.S. Magis. Judge

Printed name and title

**AMENDED AFFIDAVIT IN SUPPORT OF CRIMINAL
COMPLAINT**

I, David Smith, Special Agent of the Drug Enforcement Administration (DEA), being duly sworn, depose and state:

I am a Special Agent (SA) with the Drug Enforcement Administration and have been so employed since September 2004. I am currently stationed at the DEA Albuquerque District Office and am assigned to investigate federal narcotics offenses.

This affidavit is made in support of the issuance of a Criminal Complaint charging Lonnie DEAN with violation of Title 21 U.S.C. Section 841 (a) (1), (b) (1) (C), Possession with intent to distribute less than 50 grams of a mixture or substance containing a detectable amount of methamphetamine or less than 5 grams of actual methamphetamine, and violation of Title 18 U.S.C. 111(a) (1) and (2), Assaulting, Resisting or Impeding a Federal Officer.

On May 26, 2011, DEA agents and Task Force Officers (TFO's) were conducting surveillance of drug traffickers and locations believed to be associated with drug trafficking as part of an ongoing investigation in and around Valencia County, New Mexico, including an individual later identified as Lonnie DEAN. Agents have recently been investigating DEAN for suspected drug trafficking offenses in and about Belen, New Mexico. During this surveillance, agents conducted surveillance of a red Ford Mustang that had frequented a location believed to be associated with drug trafficking, with New Mexico license plate KDA645. At a later time, it was determined that Lonnie DEAN was the driver of the red Mustang.

At approximately 10:00 AM, agents conducting surveillance of the red Mustang, later identified as being driven by DEAN. Agents observed the vehicle engaged in what agents believed to be multiple drug transactions. The third such transaction occurred at approximately 12:30 PM, when agents observed DEAN meeting with a person who was in a black Kia Rio. This meeting occurred on Lopez Road, just west of the intersection of Lopez Road and Main Street in Belen, New Mexico. Surveillance agents believed DEAN was conducting a drug transaction for a third time on May 26, 2011, in a manner consistent with prior transactions that occurred on that day. Although DEAN is a primary target of an ongoing DEA drug investigation, agents were not sure he was the driver of the Mustang at this time. As a result of observing what agents believed to be multiple drug deals, agents attempted to place DEAN under arrest during this third transaction.

At the time agents attempted to arrest DEAN, the black Kia Rio was parked on the south side of Lopez road facing east. The red Mustang being driven by DEAN was parked next the Kia Rio facing west. The two driver's side doors were parked next to each other, so the drivers of both vehicles could talk through the drivers' windows. At approximately 12:34PM, Group Supervisor (GS) Eduardo Chavez parked his Official Government Vehicle (OGV) in front of DEAN's vehicle in an attempt to block him in. GS Chavez exited his vehicle, displayed his DEA badge and pointed a firearm at DEAN. GS Chavez stated loudly and

clearly multiples times, "Police" and "Get out of your vehicle." At this time, DEAN put the red Mustang into reverse and ran into the OGV driven by another agent, SA Reynaldo Rodriguez, thereby placing said agent in danger of personal injury. After striking SA Rodriguez's vehicle, DEAN continued to attempt to flee by backing up until his vehicle slipped off of SA Rodriguez's OGV. At this time, DEAN sped off driving west bound on Lopez Road at a high rate of speed. When DEAN sped off, GS Chavez had to make an evasive move out of the path of the Mustang to avoid being hit and thus injured, by the vehicle driven by DEAN. As DEAN sped off, a DEA aircraft assisted agents with continued surveillance of the Mustang. Three DEA vehicles followed DEAN on the ground, but at a much lower rate of speed. It appeared as though he may have been driving into a dead end, so agents held off momentarily because it was possible DEAN could double back towards the agents.

After DEAN's vehicle sped off, GS Chavez placed the driver of the black Kia Rio into custody. The driver of the Kia Rio was identified as Shelly ROBERTS.

Less than one-half mile from the location of the meeting between DEAN and ROBERTS, the red Mustang ran a stop sign at the intersection of Lopez Road and Don Felipe Road, striking a passenger vehicle that was traveling south bound on Don Felipe Road. The driver of the passenger vehicle hit by DEAN was killed as a result of injuries sustained by the collision.

After the accident, DEAN attempted to exit the red Mustang, at which time he was taken into custody. DEAN was later transported to a hospital for evaluation. The red Mustang contained a female passenger, who was identified as Ashley WRIGHT. WRIGHT sustained a broken leg and was transported to a local for treatment. At the hospital, a nurse was removing WRIGHT's clothing and found a glass jar that contained .4 grams of methamphetamine, which based on my training and experience, is a quantity of methamphetamine consistent with approximately a \$20 purchase from a user of methamphetamine. The methamphetamine was turned over to the DEA as evidence. The methamphetamine was field tested and tested positive for the presence of methamphetamine. In addition to this small quantity of methamphetamine, WRIGHT was seen by agents during DEAN'S flight from his arrest throwing items from the car. Items recovered thus far include a possible drug ledger and methamphetamine paraphernalia.

After being taken into custody for questioning, Shelly ROBERTS, the driver of the black Kia Rio, was interviewed. ROBERTS stated that she was attempting to purchase a "20" from DEAN. ROBERTS stated that she was attempting to purchase methamphetamine specifically from DEAN. ROBERTS also stated that she observed GS Chavez exit his vehicle, display a badge and firearm, and clearly state "Police."

DEAN was interviewed on May 27, 2011, at the University of New Mexico Hospital. During the interview, DEAN said he was at the Giant, to sell a "20." When asked what a "20" was, DEAN stated \$20 worth of stuff, meaning methamphetamine. During the interview, DEAN made a statement regarding almost running over an agent, to the fact that he did not know how the agent/police officer got out of the way as he sped off.

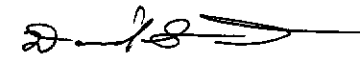
On May 27, 2011, Ashley Wright, a passenger in the red Mustang when agents attempted to place DEAN under arrest was interviewed. WRIGHT stated that DEAN had thrown a piece of "Tupperware" from the Mustang as he drove away. WRIGHT described the location of the vehicle when DEAN threw the Tupperware from the vehicle. With this information, Agents were able to locate the piece of Tupperware. The Tupperware contained approximately 45 gross grams. The Tupperware contained a white crystal substance that tested positive for the presence of methamphetamine.

For the reasons set forth above, I respectfully requests the court to approve this criminal complaint charging Lonnie DEAN with violations of Title 21, U.S.C., Section 841(a)(1), (b)(1)(C) (Possession with intent to distribute less than 50 grams of a mixture or substance containing a detectable amount of methamphetamine or less than 5 grams of actual methamphetamine), and 18 U.S.C. 111(a)(1) and (2), Assaulting, Resisting or Impeding a Federal Officer.

This affidavit is submitted for the limited purpose of providing probable cause to support the attached criminal complaint. I have not set forth each and every fact learned during the course of this investigation in the above affidavit but have only included the details necessary for probable cause.



United States Magistrate Judge



David Smith
Special Agent
Drug Enforcement Administration